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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,835	12/20/2000	Mary Ellen Schenck-Williams	858	9113
75	590 12/19/2001			
Law Offices of John D., Gugliotta, P.E., Esq. 202 Delaware Building			EXAMINER	
			MARKOVICH, KRISTINE M	
137 South Main Street Akron, OH 44308			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **09/742,835**

Applicant(s)

Schenck-Williams

Examiner

Kristine Markovich

Art Unit 3671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____3____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 1) X Responsive to communication(s) filed on <u>Dec 20, 2000</u> 2b) X This action is non-final. 2a) This action is **FINAL**. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/835 C.D. 11; 453 O.G. 213. **Disposition of Claims** is/are pending in the applica 4) X Claim(s) 1-6 4a) Of the above, claim(s) ______ is/are withdrawn from considera 5) Claim(s) is/are allowed. 6) X Claim(s) 1-6 is/are rejected. is/are objected to. 7) Claim(s) _____ are subject to restriction and/or election requirem 8) 🗌 Claims ___ **Application Papers** 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on Dec 20, 2000 is/are objected to by the Examiner. 11) ☐ The proposed drawing correction filed on ______ is: a ☐ approved b) ☐ disapproved. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). Attachment(s) 18) Interview Summary (PTO-413) Paper No(s). 15) X Notice of References Cited (PTO-892) 16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152) 20) Other: 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). ___

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Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the spring member, 29 as described in the specification. Although figure 3 is labeled as including the spring member, it is not clearly shown. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

Claim Rejections - 35 U.S.C. § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 8 does not provide proper antecedent basis for the limitation "the movable linkage arm".

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakosh (US Patent 5.154,465) in view of Wendner (DE Patent 198 22 343 A1).

Pakosh discloses a weed extraction apparatus having a handle (14, figure 2) of a linearly elongated cylindrical configuration with anterior and posterior ends. A pair of movable claw appendages (40, figure 2) are operable due to a linearly elongated lever mounted to the anterior of the handle by a bolt (68, figure 2). An operating rod of a linear configuration (62, figure 2) extends parallel along a length of the handle and connects to a movable linkage arm (44, figure 2). A spring (82, figure 2) disposed on the bolt is adapted to connectively embrace the lever such that it is biased to a position away from the anterior end of the handle. The handle is encapsulated within a sleeve comprised of rubber with a plurality of finger-gripping channels formed on the surface thereof (18, figure 2).

Pakosh discloses the claimed device except for a pulley and cable means to move the claw appendages. Wendner discloses that it is known in the art to provide a pulley and cable means (1 & 2, figure 1; translation) in order to move the claw appendages. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the weed puller of Pakosh with the pulley and cable means of Wendner, in order to provide an alternative means with which to facilitate movement of the claw appendages.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pakosh in view of Wendner as applied to claim 1 above, and further in view of Kaneko (JP Patent 1-312901).

The combination of paragraph 5 above discloses the claimed device except for T-shaped claw appendages having a plurality of sharpened, uniformly spaced, arcuate-shaped tines.

Kaneko discloses that it is known in the art to provide T-shaped claw appendages having a

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plurality of sharpened, uniformly spaced, arcuate-shaped tines (2, figure 3) in order to grasp the

weeds. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to provide the combination of paragraph 5 above with the claws of Kaneko,

in order to firmly grasp the weeds within the claws.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Kristine M. Markovich whose telephone number is (703) 305-1676. The

examiner can normally be reached on Mon-Fri from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas B. Will, can be reached on (703) 308-3780. The fax phone number for this

Group is (703)305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-1113.

/ T/Montas B. Will

Supervisory Patent Examiner

Group 3600

KMM

December 16, 2001